

NINETEENTH DAY

(Tuesday, February 7, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gilmer
Allen	Goodman
Allison	Gordon, Mrs.
Alsup	Hale
Anderson	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Bond	Harrell of Lamar
Boyd	Harris
Boyer	Hartzog
Bradbury	Heflin
Bradford	Howard
Bray	Howington
Bridgers	Hull
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Keith
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	Mays
Davis of Jasper	McAlister
Davis of Upshur	McDaniel
Dean	McDonald
Derden	McFarland
Dickison	McMurry
Dickson	McNamara
Donaghey	Mohrmann
Dowell	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Olsen
Galbreath	Pace

Petsch	Spencer
Pevehouse	Stinson
Piner	Stoll
Pope	Taylor
Ragsdale	Tennant
Reader of Bexar	Thornberry
Reader of Erath	Thornton
Reaves	Turner
Reed	Vale
Rhodes	Vint
Riviere	Voigt
Roach	Waggoner
Roberts	Weldon
Robinson	Wells
Russell	Westbrook
Schuenemann	White
Segrist	Wilson
Shell	Winfree
Skiles	Wood
Smith of Hopkins	Worley
Smith	Wright
of Matagorda	

Absent—Excused

Holland	Talbert
Smith of Frio	Tarwater

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, open unto us Thy ways, and may we be willing to walk therein. Our eyes are holden, and do not see afar off; our knowledge is small, and we must act within the limitations set for all men. So wilt Thou perfect our judgment and direct our paths to the accomplishment of Thine own good will. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Smith of Frio for today, on motion of Mr. Little.

Mr. Tarwater for today, on account of important State business, on motion of Mr. Nicholson.

Mr. Holland for today, on motion of Mr. McNamara.

Mr. Ragsdale temporarily for today, on motion of Mr. Schuenemann.

The following Member was granted leave of absence on account of illness:

Mr. Talbert for today, on motion of Mr. Kennedy.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Kerr:

H. B. No. 433, A bill to be entitled "An Act to create the One Hundred and Twenty-seventh Judicial District of Texas and to designate the counties constituting said District, and fixing the time for holding Court therein; reorganizing the Twenty-second Judicial District of Texas and designating the counties constituting said District and fixing the time for holding Court in the various counties of said District; providing that the present Judge of said Twenty-second Judicial District of Texas shall be the Judge of the One Hundred and Twenty-seventh Judicial District of Texas and that the present District Attorney of the said Twenty-second Judicial District of Texas shall be the District Attorney of the One Hundred and Twenty-seventh Judicial District of Texas until the next general election and until their respective successors shall have been elected and qualified; providing for the appointment of a Judge for the Twenty-second Judicial District of Texas and for the appointment of a District Attorney for the Twenty-second Judicial District of Texas, they to hold office until the next general election and until their successors to be elected according to Law shall qualify; providing for the election of a District Attorney in the Twenty-second Judicial District of Texas, and the One Hundred and Twenty-seventh Judicial District of Texas as herein constituted at the next general election in this State, each thereafter to hold office for the terms provided by Law; validating all process, writs, bonds, recognizances of every kind and character heretofore issued, or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this Act and described, that same shall be returnable, and said jurors served for the next term of Court in the various counties affected after the taking effect of this Act; providing that if any term of Court shall be in session in any County in the present Twenty-second Judicial District of Texas at the time of the tak-

ing effect of this Act, same shall continue in session until adjournment of the term and thereafter the terms of Court in such county shall be held in conformity with this Act; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Robinson and Mr. Thornton:

H. B. No. 434, A bill to be entitled "An Act to amend Article 483 of the Penal Code of the State of Texas, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Allison:

H. B. No. 435, A bill to be entitled "An Act creating county-wide equalization school districts in all counties containing a population of not less than two thousand, seven hundred (2,700) and not more than four thousand (4,000), according to the last preceding Federal Census, and containing a valuation of Seven Million (\$7,000,000) Dollars or more; providing for the vesting of the general management, supervision, and control of the public schools and educational interests of such counties in the county board of school trustees and constituting such trustees as the Board of Trustees for such county-wide equalization districts; making provision for the levying of an equalization tax of not to exceed Fifty (\$0.50) Cents on One Hundred Dollars (\$100) valuation of property situated within the county; providing for the holding of an election in each such county on the question of levying such equalization tax and providing for the assessment and collection of such taxes by the County Tax Collector, prescribing his duties and compensation; making provision to constitute the County Superintendent as Treasurer of the county-wide equalization district and prescribing his duties, designating the county depository for such district; prescribing the duties of the County Board of Trustees with respect to such tax and funds derived therefrom; providing that the Act shall not have the effect of changing any duties or powers imposed upon the Trustees of any common or independent school districts except as expressly provided in

the Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Daniel:

H. B. No. 436, A bill to be entitled "An Act to add to Title 130 of the Revised Statutes as Section 5c of Article 8307, a Section or Article providing that suits to set aside a final ruling and decision of the Industrial Accident Board in cases under the Workmen's Compensation Act, and suits to recover upon awards and judgments in such cases, shall be advanced in the District Court, Court of Civil Appeals and Supreme Court upon motion of either party, and shall have priority over all other cases pending therein, except such cases as have been given priority heretofore by the laws of this State; repealing conflicting laws, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Daniel:

H. B. No. 437, A bill to be entitled "An Act providing that it shall be unlawful, after an answer is filed in a civil case or an indictment returned in a criminal case, for a lawyer interested in the case or the trial directly or indirectly to discuss with the court or the judge before whom said case is pending, the law with reference thereto, the opinion, judgment or order to be entered therein, or the case itself, except in the presence of an opposing counsel, or in open court after having given reasonable notice to opposing counsel, such notice being discretionary with the court; applying such Act to civil and criminal cases, and attorneys for the State and all other parties, except in uncontested criminal cases and ex parte hearings heretofore or hereafter provided for by the laws of this State; providing violation of this Act shall be a misdemeanor; providing a suitable penalty for violation; repealing all laws in conflict with this Act, declaring an emergency and the effective date of this Act."

Referred to the Committee on Judiciary.

By Mr. Vale:

H. B. No. 438, A bill to be entitled "An Act authorizing the County

Judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, four hundred and ninety nine (10,499), and not less than ten thousand three hundred and ninety nine (10,399) inhabitants, according to the last preceding census; making salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bell, Mr. Hartzog, Mr. Mohrmann, Mr. Cleveland, Mr. Dowell, Mr. Petsch and Mr. Voigt:

H. B. No. 439, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Colquitt:

H. B. No. 440, A bill to be entitled "An Act relating to the collection of taxes on cartridges or shells; defining certain terms; fixing the rate of taxation and providing for tax stamps and the handling thereof; providing for dealers permits; providing for interstate transactions; providing for records and reports; providing for enforcement of this Act and fixing lien; providing penalties; providing for promulgation of rules and regulations; fixing venue; allocating funds; providing that if any part of this Act be held unconstitutional, it shall not affect the rest of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bell:

H. B. No. 441, A bill to be entitled "An Act to amend Article 4386a of the Revised Civil Statutes of Texas of 1925, which Article was added to said statutes by Senate Bill No. 456, Chapter 51 of the Acts of the Regular Session of the Forty-third Legislature of Texas, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Dean:

H. B. No. 442, A bill to be entitled "An Act to amend Sections 13 and 15 of House Bill No. 749, Chapter 240,

Acts of the Regular Session of the Forty-fourth Legislature, requiring distributors or dealers of motor fuel upon which a refund of the tax may be authorized to secure permit or license from the State Comptroller; providing for the control of invoices of exemption by the State Comptroller, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Schuenemann:

H. B. No. 443, A bill to be entitled "An Act making it unlawful to reproduce or forge any archeological object, representing same to be original, selling or exchanging the same, or knowingly have possession of same, providing for a penalty, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Piner:

H. B. No. 444, A bill to be entitled "An Act to be entitled an amendment to Section 1, Article 306, Fur Bearing Animal Laws as passed by Acts of Regular Session, Forty-fifth Legislature."

Referred to the Committee on Game and Fisheries.

By Mr. Burney and Mr. Derden:

H. B. No. 445, A bill to be entitled "An Act to amend Article 4629 of the Revised Civil Statutes of 1925 of the State of Texas."

Referred to the Committee on Judiciary.

By Mr. Rhodes, Mr. Harrell of Lamar, Mr. Vint, Mr. Fuchs, Mr. McDaniel, Mr. Hamilton, Mr. Burney, Mr. Smith of Matagorda, Mr. Harris and Mr. McDonald:

H. B. No. 446, A bill to be entitled "An Act placing burial associations under the supervision of the Insurance Commission of this State and subjecting them to Chapter 7, Title 78 of the Revised Civil Statutes, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Harris and Mr. Rhodes:

H. B. No. 447, A bill to be entitled "An Act authorizing the creation of burial associations on the assessment or fee basis as a body corporate;

regulating said associations; providing that not less than five (5) persons desiring to organize such association shall make application to the Life Insurance Commissioner of Texas for a certificate of authority in the manner herein provided; and providing for depositing funds as a guarantee to policyholders; providing for directors of not less than five (5) nor more than nine (9) who shall be residents of Texas, and for by-laws to be approved by the Life Insurance Commissioner; providing for election and bonding of officers; and providing for approval of form of certificates by Life Insurance Commissioner; and providing for filing fees for certificate of authority; and providing that it shall be unlawful for such association to provide for the paying of policies in anything but cash; and providing for making annual reports; providing for organizations now engaged in such business to be brought under this Act; providing that agents selling such insurance shall be licensed; and providing that persons violating this Act shall be guilty of a misdemeanor punishable by fine of not less than Twenty-five (\$25.00) Dollars or more than Five Hundred (\$500.00) Dollars; and providing for Attorney General to bring suit for violation of this Act and power of Life Insurance Commissioner to make special examinations and to receive fees therefor; and providing that laws in conflict not applicable to associations organized hereunder; and providing that if any part of this law is invalid or unconstitutional, the remainder of the Act shall not be affected thereby; and providing that all notices of the Insurance Commissioner to be served by registered mail and providing it shall be unlawful to operate burial associations without certificate of authority and the mode of filing suit by Attorney General for violation of this Act; and providing for an emergency."

Referred to the Committee on Insurance.

By Mr. Goodman, Mr. Boyd, Mr. Roberts, Mr. Segrist, Mr. Reaves, Mr. Anderson, Mr. Blankenship, Mr. Kinard, Mr. Hardeman, Mr. Crossley, Mr. Kersey and Mr. Harrell of Bastrop:

H. B. No. 448, A bill to be entitled "An Act providing for preference of employment in all State Departments

of this State of honorably discharged soldiers, sailors, marines, and nurses of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Bridgers:

H. B. No. 449, A bill to be entitled "An Act to amend Subdivision 7 of Article 666-15 of Title 11, Chapter 8 of Vernon's Texas Statutes, Centennial Edition, 1938 Supplement, known as the Texas Liquor Control Act, by adding to said Article and said Subdivision 7 thereof a provision to prohibit the importation into this State from without the State, any alcoholic beverages except by an authorized Class B wholesaler so that Subdivision 7 of said Article 666-15 shall hereafter read as follows: etc."

Referred to the Committee on Liquor Traffic.

By Mr. Vale:

H. B. No. 450, A bill to be entitled "An Act to amend Article 5922 of the Revised Civil Statutes of Texas, 1925, with reference to the petition and hearing for the removal of disabilities of minors, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Dwyer:

H. B. No. 451, A bill to be entitled "An Act defining certain words, terms and phrases used herein; levying a luxury tax of two (2%) per cent of the gross receipts of the sale of all tangible personal property sold in this State; providing that such tax shall not apply to sales of foodstuffs, compounds of drugs filled by a prescription of a duly licensed physician and clothing where the retail sale price of each item of clothing does not exceed the sum of Ten (\$10.00) Dollars; providing for a luxury tax of two (2%) per cent of the gross

receipts of any person engaging in the business and from the sales of admission tickets, cash admissions, charges and fees to places of amusement, games and athletic events; for the sales of electricity or electrical current, water, sewer service, gas, natural or artificial, to commercial or industrial consumers; for the sales of service to telephone subscribers, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; sales of services for transmission of messages by telegraph companies; commercial laundry, cleaning and dyeing service; sales of tickets, fares and services by railroad companies, express companies, bus lines, truck lines and all transportation companies engaged in the transportation of persons or freight for hire; billboard and all other kinds of outdoor advertising; providing certain exceptions; placing certain duties upon the Comptroller of Public Accounts; requiring the keeping of certain records, books and accounts by all persons affected by this Act and requiring the furnishing of certain reports to the Comptroller of Public Accounts and for the time, manner and method of the payment and collection of the taxes levied hereunder; making it unlawful to violate certain provisions hereof and fixing the penalty therefor; providing that all funds collected under the provisions of this Act shall be placed in the State Treasury to the credit of one-fourth ($\frac{1}{4}$) to Available School Fund and three-fourths ($\frac{3}{4}$) to the credit of the Old Age Assistance Fund herein created; providing that funds collected under this Act shall be in addition to all other funds now collected for the purposes herein stated, and shall be cumulative of all laws now in force for such a purpose; providing that if any section, subsection, sentence, clause, phrase, word or words of this Act shall ever be held for any reason to be unconstitutional or invalid by any court, such holding shall not affect the remaining portions hereof and declaring it to be the intention of the Legislature to have enacted such remaining portions not so held unconstitutional or invalid, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Goodman, Mr. Burkett, Mr. King, Mr. Hankamer, Mr. Hartzog, Mr. Isaacks and Mr. Pace:

H. B. No. 452, A bill to be entitled "An Act to amend paragraph (d) of Section 6, Article 911b of Title 25, Revised Civil Statutes of the State of Texas, 1925, as amended, so as to eliminate the issuance of special commodity permits on household goods, used office furniture and equipment, and oil field equipment and supplies, and to hereafter require a showing of convenience and necessity for the transportation of such commodities, and providing for issuance of a certificate to certain holders of special commodity permits by the Railroad Commission, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Kersey:

H. B. No. 453, A bill to be entitled "An Act amending Subsection 18 of Section 14, Article I, Chapter 467 of House Bill No. 77, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature, regulating medicinal pharmacy permits; requiring the holders thereof to keep such records of liquor purchased and sold; limiting the amounts to be kept on hand or in transit at any one time, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Harrell of Bastrop:

H. B. No. 454, A bill to be entitled "An Act to define, license and regulate the business of making loans or advancements in the amount or of the value of Five Hundred (\$500.00) Dollars or less, secured or unsecured; providing that a license to engage in such business shall be obtained from the Banking Commissioner of Texas, and for certain examination and license fees to be charged by said Commissioner; providing that each applicant shall have certain qualifications and shall have available for the operation of his business Ten Thou-

sand (\$10,000.00) Dollars, and shall file a bond in the sum of Two Thousand (\$2,000.00) Dollars; defining certain terms; limiting the rates of interest and amounts of charges in connection with such loans or advancements, and penalties for the violation thereof; declaring such charges to be prima facie reasonable and not to be considered as interest; regulating the purchase or assignment of wages, salaries, commissions, or other compensation for services, earned or to be earned, when given as security for any such loan or as consideration for a payment of Five Hundred (\$500.00) Dollars or less; limiting the direct and contingent liability of persons; providing that the borrower shall be informed of the cost of the loan and of the elements of such cost; providing for the administration of this Act and for the issuance of rules and regulations therefor; authorizing the making of examinations and investigations and the publication of reports thereof; providing for the suspension and revocation of licenses by the Commissioner, and for a judicial review of the decisions and findings of the Commissioner under this Act; prohibiting the publication of false statements or misrepresentations by licensees; prohibiting devices and subterfuges; providing for collateral agreements; providing that the violation of certain provisions of this Act shall constitute a misdemeanor and shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment of not more than six (6) months, or by both such fine and imprisonment; providing for the repeal of Article 6165a of Title 107, Revised Civil Statutes, Article 7047 of Title 122, Section 14, entitled 'Loan Brokers', and Section 14 entitled 'Money Lenders', and Article 1129a, Title 14 of Chapter 12 of the Penal Code, defining, regulating and taxing loan brokers; repealing Articles 5069, 5071, 5073, Title 79, Revised Civil Statutes to the extent that they are inconsistent with this Act; and providing for the repeal of all Acts and parts of Acts whether general, special or local, which relate to the same subject matter as this Act, so far as they are inconsistent with the provisions of this Act; providing for a saving clause in the event any portion of this Act shall be held

unconstitutional, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Goodman:

H. B. No. 455, A bill to be entitled "An Act exempting certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Chambers, Mr. Howington, Mr. Burkett and Mr. Crossley:

H. B. No. 456, A bill to be entitled "An Act amending Article 7345, Chapter 10, Title 122, Revised Civil Statutes of the State of Texas, of 1925 as amended by Acts of the Forty-third Legislature, First Called Session, 1933, page 271, Chapter 98, as amended by Acts of the Forty-fourth Legislature, 1935, page 415, Chapter 165, Section 1 as amended by Senate Bill No. 477, Acts of the Forty-fifth Legislature, 1937, as amended by House Bill No. 456, Acts of the Forty-fifth Legislature, 1937, by adding thereto a new Article to be numbered 7345d, conferring on Commissioners Courts the power to reopen and reconsider any assessment for taxes, whether on the rendered or unrendered rolls, and whether current or delinquent upon the application of the owner of such property, or his duly authorized agent, when the assessment is alleged to be discriminatory, or the property rendered for more than its true taxable value, or where said property has greatly depreciated in value, or where by reason of the accumulation of taxes, penalties, interest and costs, enforced collection would be inequitable or confiscatory; providing for hearings on such applications, for certified copies of any such orders passed to be furnished the State Comptroller and assessor-collector; providing for the collection of penalties, interest and costs on adjusted assessments and prohibiting Commissioners' Courts from remitting such penalties, interest and costs; extending to incorporated cities and towns, independent school districts having their own assessor-collector and boards of equalization, irrigation and water improvement districts, and

all other governmental agencies the benefit of this Act, after proper ordinance, order or resolution, providing for a Board of Equalization in such cases, repealing all laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

ADDITIONAL SIGNERS OF HOUSE BILLS

Mr. White was authorized to sign House Bill No. 315, as co-author of same.

Mr. Wright was authorized to sign House Bill No. 417, as co-author of same.

EXPRESSING SENTIMENT OF THE HOUSE IN REGARD TO COOPERATING WITH GOV. W. LEE O'DANIEL

Mr. Lock offered the following resolution:

H. S. R. No. 117, Expressing sentiment of the House.

Whereas, The people of the State of Texas expressed their faith in W. Lee O'Daniel by electing him Governor by an overwhelming majority; and

Whereas, Governor O'Daniel has publicly stated time after time that he is not a politician and is subject to mistakes in dealing with political questions; and

Whereas, Governor O'Daniel has been severely criticized for some of his acts; and

Whereas, Many of the people over the State believe that the House of Representatives is in open rebellion against the Governor and all of his policies; and

Whereas, In fact, the House of Representatives expects to work in harmony with Governor O'Daniel in fulfilling many of his campaign promises, although it might differ with him in the means used to reach that end; be it

Resolved, That the House of Representatives go on record as being friendly towards Governor O'Daniel and expecting to cooperate with him in giving the people a constructive and economical administration; and be it further

Resolved, That a copy of this resolution be sent to Governor O'Daniel.

LOCK,
FERGUSON.

The resolution was read second time.

Mr. Harris moved that the resolution be referred to the Committee on State Affairs.

Mr. Lock moved to table the motion to refer.

The motion to table prevailed.

Question then recurring on the resolution, it was adopted.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following messages from the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

No. 18860.

To all to whom these presents shall come:

To the Members of the Forty-sixth Legislature:

I am vetoing and disapproving House Bill No. 251, providing for the appointment of a court stenographer in counties having a population of not less than 30,583 and not more than 30,600 according to the last preceding Federal Census, which bill was passed at a Regular Session of the Forty-fifth Legislature, for the following reasons:

James C. Spencer is the author of the bill and since its passage he has determined that it is not a good bill, nor in the interest of economy, and has made the request that the same be vetoed. Inasmuch as it is a special bill applying to only one county which he represents, I am following his recommendation.

This bill not having reached my desk more than 10 days before the end of the Session of the Legislature at which it was passed, pursuant to the Constitution, I am filing this proclamation attached to the bill with the Secretary of State.

In testimony whereof, I have hereunto set my hand and caused the official seal to be affirmed hereto this the third day of February, A. D. 1939.

(Seal) W. LEE O'DANIEL,
Governor of Texas.

By the Governor:

TOM L. BEAUCHAMP,
Secretary of State.

Austin, Texas, February 7, 1939.

To the Members of the Forty-sixth Legislature:

Anyone who has given even casual attention to public affairs of the State realizes that in the past almost every session of the Legislature the management of the prison system has been a subject of much debate and often of extensive investigation. It seems to me that there are two very distinct phases which enter into the whole problem of prison management. One might be defined as the humanitarian side of the question. The other might be referred to as the business side of the question. I further feel that a committee that might be exceedingly well equipped to deal with one phase of this question, might not be able to be of much assistance in dealing with the other angle of the problem.

It will be only a short time before the Legislature will be called upon to pass on the question of appropriations for the maintenance of the prison system. It, therefore, seems desirable for the Governor and for the Legislature to have all the information possible on the business management of the prison before they are called upon to pass on the question of appropriations for the operation of the prison system. It seems further desirable that we secure the judgment of competent business men on this problem.

I, therefore, most respectfully recommend to the Legislature that you consider the advisability of appointing a committee to make a study of the operation of the prison system from a business standpoint and that this committee be instructed to report back to the Legislature within sixty (60) days, submitting its definite recommendations as to how convict labor may best be employed, how the business management of the prison system may be improved, to the end that the expense to the taxpayers of this State of maintaining the prison system may be reduced. And I would further recommend that such a committee be composed of the Chairman of the Committee on Penitentiaries in the Senate, Chairman of the Committee on Penitentiaries in the House, two business men appointed by the Lieutenant Governor, two appointed by the Speaker of the House and two appointed by the Governor.

And it is my further belief that if the resolution authorizing this

committee directs the committee to deal only with this phase of prison management, that the opportunity for constructive recommendations will be increased. It is my further belief that we are more interested in securing information which will enable us to operate our prison system in a more business like manner in the future than we are in a study of the shortcomings, if any, in past management. I realize, of course, that it would be necessary to make some inquiry of the present business procedure in order to recommend improvements for the future, but I doubt the wisdom of such a committee operating as a general investigating committee. It is my belief if the Legislature feels that conditions at the prison system make a general investigation of the system desirable from the standpoint of the whole plan of prison operation, that such an investigation should be handled strictly as a legislative committee, separate and apart from the committee which I am here recommending.

The reason that I am suggesting an inquiry to determine the best method of utilizing the labor of convicts and the best plan of business management is that the reports of the Comptroller of Public Accounts indicate that it is costing the State of Texas on the average during the past ten (10) years more than a Million Dollars per annum to operate the prison system. In other words, during the past ten (10) years the State has paid out, in round figures \$11,000,000 (millions) more than it has received back in revenue. Now it seems to me that under a proper system of utilizing prison labor that the prison system should be made approximately self-sustaining. But I am very frank to say I do not have sufficient information to enable me to make to the Legislature specific recommendations as to how this could be accomplished. And I know it would be helpful to me, as Governor, and I believe it would be helpful to the Legislature if we had the advice of a competent committee concerning these matters.

I have suggested the form of committee which I have for two reasons: One is, if we are to have legislation on this question, certainly it is desirable that the Chairman of the Committee on Penitentiaries in the House and in the Senate be familiar

and in accord with any plan of proposed action. And I have suggested the non-partisan method of naming the other six members of the committee because I would like to remove any question that might exist in the mind of anyone that I, as Governor, have any desire to dominate this committee or the selection of the committee.

I submit this to you as an emergency matter so that you may consider it now if you believe that the recommendation has merit and act upon it in time that we may have the benefit of the recommendations of this committee at this session of the Legislature.

Respectfully,

(Seal) W. LEE O'DANIEL,
Governor of Texas.

MESSAGE FROM THE SENATE

Austin, Texas, February 7, 1939.
Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 93, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8th, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners, and declaring an emergency."

S. B. No. 132, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in Counties having a population of not less than 17,600 and not more than 17,700 according to the United States Census of 1930; providing for the levying of a direct tax of not more than ten cents on the valuation of \$100.00, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital, and declaring an emergency."

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhab-

itants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending, and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 25, by the following vote: Yeas, 29; Nays, 0.

Has passed

H. B. No. 274, A bill to be entitled "An Act creating a Special Road Law for Parker County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14, 1938; setting forth the method, etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

CHANGE IN STANDING COMMITTEES

The Speaker announced the appointment of Mr. Keith to the Committee on Privileges, Suffrage and Elections to succeed Mr. Reed, resigned; and the appointment of Mr. Reed to the Committee on Appropriations to succeed Mr. Keith, resigned.

HOUSE BILL NO. 284 ON PAS- SAGE TO ENGROSSMENT

The Speaker laid before the House, as special order for this hour, on its passage to engrossment,

H. B. No. 284, A bill to be entitled "An Act providing that all bonds for road construction purposes which have been heretofore issued and sold by counties with a population of not less than thirty-two thousand and four hundred and not more than thirty-two thousand and eight hundred people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 284, Section 1, line 25, by adding after the word "people" the following: "and in all counties having a population of not less than three hundred thousand (300,000) and not more than three hundred and fifty thousand (350,000) people".

The amendment by Mr. Stinson was lost.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 284, by adding after the words "people" in line 5, Section 1, the following: "and counties having a population of not less than twenty-two thousand and ninety (22,090) nor more than twenty-three thousand (23,000), and not less than fifteen thousand, five hundred and fifty-five (15,555) nor more than fifteen thousand, five hundred and sixty (15,560), and not less than fourteen thousand, four hundred and sixty-one (14,461) nor more than fourteen thousand, four hundred sixty-five (14,465), and not less than fifteen thousand, five hundred and fifty-five

(15,555) nor more than fifteen thousand, five hundred and sixty (15,560)".

The amendment was lost.

House Bill No. 284 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 284 ON THIRD READING

Mr. Ferguson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 284 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—74

Allison	King
Alsup	Langdon
Bond	Lehman
Boyd	Leonard
Boyer	Leyendecker
Bradbury	Little
Bray	Lock
Bridgers	Mays
Brown of Cherokee	McFarland
Brown of Nacogdoches	McMurry
Bundy	Mohrmann
Burkett	Montgomery
Burney	Morris
Cockrell	Newell
Crossley	Oliver
Daniel	Olsen
Davis of Jasper	Pace
Dickison	Pevehouse
Dickson	Pope
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gordon, Mrs.	Riviere
Hamilton	Skiles
Hardin	Spencer
Harp	Taylor
Harper	Tennant
Harrell of Bastrop	Thornberry
Harris	Turner
Hunt	Weldon
Isaacks	Westbrook
Johnson of Ellis	White
Johnson of Tarrant	Winfree
Kennedy	Wood
Kern	Worley
Kerr	Wright

Nays—45

Allen	Bell
Bailey	Blankenship
Baker	Bradford
of Fort Bend	Cauthorn

Chambers	McNamara
Clark	Monkhouse
Cleveland	Nicholson
Coleman	Petsch
Colquitt	Rhodes
Colson, Mrs.	Roach
Cornett	Roberts
Davis of Upshur	Robinson
Derden	Russell
Dowell	Segrist
Felty	Shell
Hankamer	Smith of Hopkins
Hardeman	Stinson
Heflin	Stoll
Howard	Thornton
Howington	Vale
London	Vint
McDaniel	Waggoner
McDonald	Wells

Present—Not Voting

Faulkner	McAlister
Kersey	Wilson
Kinard	

Absent

Anderson	Harrell of Lamar
Baker of Grayson	Hartzog
Broadfoot	Hull
Celaya	Keith
Corry	Loggins
Dean	Piner
Donaghey	Schuenemann
Dwyer	Smith
Gilmer	of Matagorda
Goodman	Voigt
Hale	

Absent—Excused

Holland	Talbert
Ragsdale	Tarwater
Smith of Frio	

HOUSE BILL NO. 336 ORDERED PRINTED

The House resumed consideration of pending business, same being the motion, by Mr. Dickson, to reconsider the vote by which the House, on yesterday, refused to print House Bill No. 336 on a minority report.

(Pending consideration of the motion by Mr. Dickson, Mr. Little and Mr. Boyer occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Bond moved the previous question, on the motion by Mr. Dickson, and the main question was ordered.

Question then recurring on the motion to reconsider the vote, it prevailed.

Question then recurring on the motion that House Bill No. 336, reported adversely, with a minority favorable report, be printed, it prevailed.

HOUSE BILL NO. 16 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 16, A bill to be entitled "An Act providing that on and after the effective date of this Act, delinquent taxpayers shall be permitted to pay such taxes in partial payments, providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a twenty month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the County Attorney or District Attorney or Criminal District Attorney in counties where there is no County Attorney, against such delinquent taxpayers upon default in making such payments under this Act; providing that no payment shall be received by the Assessor and Collector of Taxes, which payments total less than One (\$1.00) Dollar, and further, that accounts which total less than Ten (\$10.00) Dollars will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor, providing for credit and apportionment of any amounts paid under this system less than an amount equal to one year's taxes, penalties and interest and the apportionment of such funds; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas, and the respective county involved, and that no refunds shall be allowed; etc., and declaring an emergency."

The bill was read second time.

Mr. Colquitt offered the following amendment to the bill:

Amend House Bill No. 16, changing the word "owned" to "owed" in Section 6, line No. 11.

The amendment was adopted.

House Bill No. 16 was then passed to engrossment.

HOUSE BILL NO. 16 ON THIRD READING

Mr. Colquitt moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Allen	Gordon, Mrs.
Alsup	Hamilton
Anderson	Hankamer
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Bastrop
Blankenship	Harrell of Lamar
Bond	Harris
Boyd	Heflin
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Keith
of Nacogdoches	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Chambers	Langdon
Clark	Lehman
Cleveland	Leyendecker
Cockrell	Little
Coleman	Lock
Colquitt	Loggins
Colson, Mrs.	London
Cornett	McAlister
Corry	McDaniel
Crossley	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Pace
Galbreath	Petsch
Gilmer	Pevehouse
Goodman	Pope

Reader of Bexar	Stoll
Reader of Erath	Taylor
Reaves	Tennant
Reed	Thornberry
Rhodes	Thornton
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Wells
Segrist	Westbrook
Skiles	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright

Absent

Allison	Kinard
Bundy	King
Celaya	Leonard
Davis of Upshur	Mays
Dean	Piner
Dwyer	Shell
Hale	Turner
Hartzog	

Absent—Excused

Holland	Talbert
Ragsdale	Tarwater
Smith of Frio	

The Speaker then laid House Bill No. 16 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—135

Allen	Bundy
Allison	Burkett
Alsup	Burney
Anderson	Cauthorn
Bailey	Celaya
Baker	Chambers
of Fort Bend	Clark
Baker of Grayson	Cleveland
Bell	Cockrell
Blankenship	Coleman
Bond	Colquitt
Boyd	Colson, Mrs.
Boyer	Cornett
Bradbury	Corry
Bradford	Crossley
Bray	Daniel
Bridgers	Derden
Broadfoot	Dickison
Brown of Cherokee	Dickson
Brown	Donaghey
of Nacogdoches	Dowell

Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Olsen
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Pope
Hamilton	Reader of Bexar
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harper	Riviere
Harrell of Bastrop	Roach
Harrell of Lamar	Roberts
Harris	Robinson
Heflin	Russell
Howard	Schuenemann
Howington	Segrist
Hull	Shell
Hunt	Skiles
Isaacks	Smith of Hopkins
Johnson of Ellis	Smith
Johnson of Tarrant	of Matagorda
Keith	Spencer
Kennedy	Stinson
Kern	Stoll
Kerr	Taylor
Kersey	Tennant
Langdon	Thornberry
Lehman	Thornton
Leyendecker	Turner
Little	Vale
Lock	Vint
Loggins	Voigt
London	Waggoner
McAlister	Weldon
McDaniel	Wells
McDonald	Westbrook
McFarland	White
McMurry	Wilson
McNamara	Winfree
Mohrmann	Wood
Monkhouse	Worley
Montgomery	Wright

Absent

Davis of Jasper	Kinard
Davis of Upshur	King
Dean	Leonard
Dwyer	Mays
Hartzog	

Absent—Excused

Holland	Talbert
Ragsdale	Tarwater
Smith of Frio	

HOUSE BILL NO. 24 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 24, A bill to be entitled "An Act making an appropriation of Twenty Thousand (\$20,000.00) Dollars to be used by the Attorney General of Texas for the purpose of paying expenses and costs in enforcing the laws of Texas against trusts, monopolies and restraints of trade, including the pending suit against various cement manufacutrers; providing for the approval of vouchers against said appropriation, and declaring an emergency."

The bill was read second time.

Mr. Thornberry offered the following committee amendment to the bill:

Amend House Bill No. 24, by striking out the words and figures "Twenty Thousand (\$20,000.00) Dollars" and insert in lieu thereof the words and figures "Ten Thousand (\$10,000.00) Dollars".

The amendment was adopted.

Mr. Keith offered the following committee amendment to the bill:

Amend the caption to House Bill No. 24, by striking out the words "against trusts, monopolies and restraints of trade, including", and insert in lieu thereof the word "in".

The amendment was adopted.

Mr. Keith offered the following committee amendment to the bill:

Amend House Bill No. 24, on page 2 thereof, by striking out in lines 4 and 5, the words "trusts, monopolies and restraints of trade, including among other matters" and insert in lieu thereof "certain cement manufacturers and in".

The amendment was adopted.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 24, by striking out the period at the end of Section 1 thereof and inserting the following: "providing none of the moneys herein appropriated shall be expended for salaries".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Question—Shall House Bill No. 24 pass to engrossment?

MESSAGE FROM THE SENATE

Austin, Texas, February 7, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 324, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 325, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session."

H. B. No. 293, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate of

tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency." (With amendments.)

H. B. No. 378, A bill to be entitled "An Act to amend Article 4494 of the Revised Civil Statutes of Texas, 1925, by adding 4494b to allow counties of certain size to lease their county hospitals, and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen (7,015) and not less than six thousand, six hundred and eighty-five (6,685) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 373, "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending, and declaring an emergency."

H. B. No. 274, "An Act creating a Special Road Law for Parker County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14th, 1938; setting forth the method of operation; validating the indebtedness

proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 25, "An Act authorizing the refunding of Texas relief bonds, first series, prescribing the duties and authority of the Texas Bond Commission in connection with the calling and refunding of said bonds at a lower rate of interest, prescribing the terms and conditions for the issuance and payment of said refunding bonds, providing that Section 5 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, shall not apply to said refunding bonds, making an appropriation for the payment of principal and interest of said refunding bonds for the biennium, and declaring an emergency."

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 132, to the Committee on Counties.

Senate Bill No. 93, to the Committee on Counties.

ADJOURNMENT

Mr. Reader of Erath moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Baker of Grayson moved that the House adjourn until 11:00 o'clock a. m., tomorrow.

Mr. Celaya moved that the House adjourn until 10:30 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Reader of Erath, it prevailed, and the House accordingly, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bills Nos. 150, 311 and 426.

Counties: House Bills Nos. 234, 379 and 431.

Criminal Jurisprudence: House Bills Nos. 64, 65, 67, 200, 267 and 381.

Education: House Bills Nos. 305 and 306.

Interstate Cooperation: House Bills Nos. 152 and 430.

Judiciary: House Bill No. 74.

Public Health: House Bill No. 223.

School Districts: House Bills Nos. 60, 123, 156, 166, 240, 252 and 435.

State Affairs: House Bills Nos. 57, 92 and 140.

The following committees have filed adverse reports on bills, as follows:

Appropriations: House Bills Nos. 318 and 322.

Criminal Jurisprudence: House Bill No. 37.

REPORT OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 30, Accepting a donation from the Houston Light Guard Veterans Association, Inc., of certain lots and a building located within the City of Houston, for the maintenance of a permanent armory for Company G, 143rd Infantry, Texas National Guard, also known as the Houston Light Guard, and its successor; etc.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 373, "An Act to withdraw

from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending; suspending all laws in conflict until ninety (90) days after the adjournment of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 274, "An Act creating a Special Road Law for Parker County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this Act shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 7, 1939

House Bill No. 274.

House Bill No. 373.

In Memory of

Dr. William Townsend Dunning

Mr. Mohrmann offered the following resolution:

H. S. R. No. 116, In memory of Dr. William Townsend Dunning.

Whereas, In the inscrutable wisdom of an Omniscient Providence, Dr. William Townsend Dunning was, on the 3rd day of September, 1938; removed from his earthly labors; and

Whereas, We think it proper to review his life's activities, which in an abridged manner, is as follows:

Dr. Dunning was born at Pilgrim Lake, in Gonzales County, Texas, January 31, 1885. After attending public school in Bexar and Gonzales Counties, he attended the Medical Branch of the University of Texas; graduating with high standing, he served his internship at John Sealy Hospital. He rendered honorable service there, and distinguished service with the Mexican National Railways in Mexico, as surgeon. He then came to Gonzales, Texas, and began the practice of medicine.

His ability and attainments quickly drew a large practice, and just as that was flowering into full fruition, the World War came upon us. As was to be expected by an embattled spirit like Dr. Dunning, he immediately volunteered and was commissioned Lieutenant in the Medical Corps. He was transferred to France and placed in Evacuation Hospital near the front lines of the army, and in spite of his own poor health, he remained where his duties were most onerous.

When peace finally came and the American Army was returned home with 2,000,000 other American boys, Dr. Dunning came back to civilian life, and without any memory of the hardships undergone, or any recollection of the horrors of war, he gained an enviable position in civilian life. He served as President of the Gonzales County Medical Branch of the American Medical Association and was made a Fellow in Surgery.

He became State Commander of the American Legion, and at the time of his death was Chairman of the National Affairs Committee of that organization.

In addition to these activities, Dr. Dunning found time to serve in many capacities. He was an ardent Mason and a member of practically all branches of that order.

On the 25th day of April, 1917, Dr. Dunning was married to Willie Frances Robertson, and to that union two daughters, Misses Suzanne and Elizabeth, were born, and who, with Mrs. Dunning, survive; and

Whereas, In view of such a life and such service to his State and Nation, we feel that this body should take the following action; and now, therefore, be it

Resolved, That we regret his untimely death and express our sympathy to the family of Dr. Dunning, and we also acknowledge a distinct loss to the State and Nation and now go upon record in sorrow and regret for the passing of this brave and patriotic citizen; and, be it further

Resolved, That a copy of this resolution be sent to the bereaved family and a copy to his noble mother, Mrs. Sara Dunning;

And now as the House adjourns, let it be in silent tribute to that matchless courage, that devotion to duty and unsullied character that was William Townsend Dunning's.

MOHRMANN.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Bell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.